

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

**MARK A. SELLERS, PAMELA S. SELLERS,
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT, UNITED STATES OF AMERICA,
UNKNOWN OWNERS and NON-RECORD
CLAIMANTS,**

DefendantS.

No. 11-309-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is plaintiff Wells Fargo Bank, N.A.'s motion to dismiss defendants the United States of America and the Secretary of Housing and Urban Development pursuant to settlement and for remand to state court (Doc. 30). This foreclosure suit was originally filed in state court but was removed here by the United States and the Secretary of Housing and Urban Development. (Doc. 2). Plaintiff advises the Court that it has extinguished the United States' lien by tender of payment in the amount of \$12,633.41 and thus the United States and the Secretary of Housing and Urban Development no longer have any interest in the property at issue in this case. Thus, plaintiff requests that the Court enter an order dismissing the United States and the Secretary of Housing and Urban Development as defendants and remand this case to the

Monroe County circuit court. In its response, the United States confirms that plaintiff has extinguished its lien and indicates that it does not object to plaintiff's motion. (Doc. 31). Accordingly, the Court hereby dismisses the United States and the Secretary of Housing and Urban Development as defendants in this matter and remands the case back to the Monroe County circuit court for further proceedings. See *Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) (quoting *Ex parte McCardle*, 74 U.S. 506 (1869)) ("Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.").

IT IS SO ORDERED.

Signed this 20th day of April, 2012.

David R. Herndon



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David R. Herndon
Date: 2012.04.20
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**Chief Judge
United States District Court**